



Canada-United States Law Journal

Volume 17 | Issue 1

Article 7

January 1991

Welcome Canada-United States Free Trade Agreement Implementations of Chapter 19

Sidney I. Picker Jr.

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Recommended Citation

Sidney I. Picker Jr., *Welcome Canada-United States Free Trade Agreement Implementations of Chapter 19*, 17 Can.-U.S. L.J. 1 (1991)
Available at: <https://scholarlycommons.law.case.edu/cuslj/vol17/iss1/7>

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Welcome

*Sidney I. Picker, Jr.**

I am Sidney Picker, Jr., Chairman of the Canada-United States Law Institute's Advisory Board as well as the Institute's founder and initial U.S. Director. Henry King, the current U.S. Director and, like me, a member of the Case Western Reserve Law School faculty, has asked me to welcome you to this special one day seminar on "Anti-dumping: Chapter 19 and the Canada-United States Free Trade Agreement." I find this task a unique pleasure because of the special memories anti-dumping triggers. While I am sure that anti-dumping as a subject prompts different responses from different people, few of you may imagine, but nevertheless all must understand, that for me that response is—nostalgia, for the memories "Anti-dumping" revives are of the Institute's origins fifteen years ago when the first conference the then brand-new Institute sponsored in 1976, dealt with this same subject matter.

This subject matter remains relevant, however. The current conference (unlike the 1976 original) is co-sponsored. Our co-sponsor is the Committee on Canada-United States Relations of the Chambers of Commerce of Canada and the United States. Everyone here is familiar with the two Chambers of Commerce. Because you may be less familiar with the Canada-United States Law Institute, however, Henry King has asked me, very briefly, to sketch for you the origins and activities of the Institute.

The Canada-United States Law Institute is a binational entity, the joint creation of the law schools of Case Western Reserve University in Cleveland, Ohio and the University of Western Ontario in London, Ontario. The Institute was the first organization in either country designed to:

- (1) explore legal issues affecting the special Canada-United States relationship, and
- (2) examine each other's legal structures and processes in order to provide comparative law opportunities for the students and faculties of both participating law schools, as well as for the public and private bar in both countries.

The first of these two goals emerges from the importance of each country to the other. Each is the other's principal business partner, whether the measure is in terms of imports, exports, or foreign invest-

* Chairman, Canada-United States Law Institute Advisory Board; Professor of Law, Case Western Reserve University (Cleveland).

ment. Indeed, were Ontario not a part of Canada but rather an independent country, that province alone would be the second largest customer for U.S. exports as well as the second largest supplier of U.S. imports. This first goal, exploration of legal issues affecting the special binational relationship, has taken on jurisprudential significance since 1988 when the two countries formalized their economic relationship within the context of the Canada-United States Free Trade Agreement.

The two countries provide a fertile foundation for maximizing the second goal, comparative law opportunities. On the one hand, they have a great deal in common, including history, geography, a cultural and political heritage, language, and economy. Thus, students in either country have ready access to, and little difficulty understanding, the relevant literature of the other, and they can readily relate to the societal issues under examination. On the other hand, Canada and the United States are sufficiently different as to maximize the benefits of comparative analysis. Thus, while both countries have constitutions and federal systems, they are not alike. These in turn, shape unique legal solutions to similar social, economic, and political problems. An examination of the other country's legal solutions within the context of its own constitutional/federal structures offers unique insights into one's own national legal solutions.

In order to accomplish the two basic purposes of the Institute, five separate programs have been established which are operated with varying degrees of regularity. These include:

1. An exchange of law students between the two participating law schools whereby students from each country may take for full credit one of their six law school semesters in the law school of the other country;
2. An exchange of faculty members between the two participating law schools, both for brief and extended (semester or year long) visits;
3. The publication of the first scholarly law journal in either country devoted exclusively to issues of common interest to both countries, the "Canada-United States Law Journal";
4. The sponsorship of scholarly research on comparative law and international law issues affecting both countries; and
5. The organization of conferences on subjects of common interest to both countries (the proceedings of which are published in the above-mentioned "Canada-United States Law Journal").

The current conference falls within the final program, and its subject matter—nostalgia notwithstanding—deals with a single technically specialized international trade problem affecting the special Canada-United States relationship, the role antidumping duties and administration now plays, or should play, under the Canada-United States Free Trade Agreement. The format for today's conference is novel for the Institute. Unlike its annual three day conferences held each Spring, the subject matter

of this conference has been narrowed, and its participants and attendees carefully limited, so that an effective single day seminar may focus on its selected topic.

The Institute owes a debt of gratitude to many individuals and organizations who have supported its various activities during the past fourteen years, both financially and intellectually. Included are the Canadian Embassy in Washington, D.C. as well as the Canadian Consulate in Cleveland, Ohio. In addition, private nonprofit institutions in both countries have contributed generously since the Institute's establishment. These include the William H. Donner Foundation, the Gund Foundation, the Cleveland Foundation, the Richard G. Ivey Foundation, and the Ontario Bar Foundation.

In order to open this conference it is my pleasure to introduce the person responsible for the Institute's organization and presentation, Professor Henry T. King, Jr., the current U.S. Director. Professor King came to the Institute from TRW, Inc. where he was Chief Corporate International Counsel. While in that capacity he also served as a pivotal member of the Institute's Advisory Board, which I now chair, and he is the person on whom I, as then U.S. Director, could rely for advice and guidance during the critical formation years of the Institute. In addition, Professor King has served as Chairman of the Section of International Law and Practice of the American Bar Association as well as U.S. Chairman of the Joint ABA-CBA Working Group on the Settlement of International Disputes between Canada and the United States.

